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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,779	10/13/2000	Daniel Scott Jorgenson	10005094-1	1062

22879 7590 05/07/2004

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EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

file

Office Action Summary	Application No.	Applicant(s)	
	09/687,779	JORGENSEN, DANIEL SCOTT	
	Examiner	Art Unit	
	Viet Vu	2154	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15,26-30 and 32-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15,26-30,32 and 33 is/are allowed.
- 6) ☒ Claim(s) 34-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. In claim 43, an ending period is missing. Correction is required.

Art Rejections:

2. Claims 34, 36-38, 40-42, 44, 47-49 and 51-52 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Narendran et al, U.S. pat. No. 6,070,191.

Narendran discloses a system and method for resolving network domain name comprising:

a) one or more client computers and connected to a network,
b) a plurality of servers and/or group/pool of servers connected to the network (see col 3, lines 57-66),
c) at least one or more servers operates as a DNS server for resolving domain name request from the clients, each DNS server comprises computer instructions for:

i) receiving a communication request from one of the client computers (col 4, lines 5-10),

ii) extracting a host name from the request and determining whether the host name is a site name for a particular server or a group/pool name for a group/pool of servers (col 4, lines 10-14),

iii) redirecting/mapping the communication request to a pool/group of servers corresponding to the server that serves the request (see col 4, lines 14-15).

Per claims 36-37, 41, 47-48 and 52, Narendran also teaches performing load balancing to select appropriate servers to serve the client request (see col 4, lines 41 -67).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 35, 39, 43 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narendran, and further in view of Swildens et al, U.S. pat. No. 6,484,143.

Narendran's teachings are still applied as discussed in item 2 above. Narendran does not explicitly teach providing failover DNS. The use of multiple DNS servers including failover DNS server for enhancing reliability and availability of network services is well known in the art as disclosed in Swildens (see Swildens' col 4, lines 45-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a failover DNS server in Narendran because it would have enhanced reliability and availability of network services.

Swildens also teaches using flags or error codes to indicate operation errors of DNS server (see Swildens' col 18, lines 10-14).

5. Claims 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narendran, and further in view of Risley et al, U.S. pat. No. 6,332,158.

Narendran's teachings are still applied as discussed in item 2 above. Narendran does not explicitly teach directing client request to proper server when the request contains improper server name. Risley discloses a DNS server capable of correcting or suggesting and directing client request to proper server when the request contains improper server name (see Risley's col 5, lines 3-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Narendran with Risley's teachings because it would have assisted client to select a proper a server site.

Allowable Subject Matter:

6. Claims 11-15, 26-30 and 32-33 are allowed over prior art of record.

Response to Amendment:

7. Applicant's arguments filed on 4/5/04 with respect to claims 34-52 are moot in view of new ground of rejection set forth above. The examiner submits that the new claims still fail to define the invention over prior art of record as discussed above.

Conclusion:

8. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is (703) 305-9597. The examiner can normally be reached on Monday through Friday from 7:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on (703) 305-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



VIET D. VU
PRIMARY EXAMINER

Art Unit 2154

5/3/04